

ASSEMBLY, No. 515

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Establishes guidelines for dissemination of vital records.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the dissemination of vital records and
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. As used in this act:

8 "Qualified business entity" means a bank, trust company, safe
9 deposit company, benefit association, insurance company, credit
10 union, credit agency, savings and loan association, industrial loan
11 company, title company, or other person or entity in the business of
12 lending money or clearing title of real or personal property of a
13 deceased person or an executor, executrix or legal representative of
14 an estate or other rights of heirs to an estate.

15 "State registrar" means the State registrar of vital statistics within
16 the Department of Health and Senior Services.

17 "Current vital records" means the birth records of a person less
18 than 100 years old, birth records 100 or more years old of a person
19 still living, marriage, civil union, and domestic partnership records
20 of persons when less than 50 years have elapsed, or death or fetal
21 death records when less than 40 years have elapsed from which
22 vital statistics are produced, including all paper records, indices,
23 forms, data, data systems and related documents or information
24 collected or stored in the registration of vital statistics.

25 "Vital statistics" means statistics concerning births, deaths, fetal
26 deaths, marriages, civil unions, and domestic partnerships.

27 "State archives" means the archives of the State of New Jersey in
28 the Division of Archives and Records Management within the
29 Department of State.

30 "Vital records registrars" means the State registrar and the
31 registrars of all registration districts, including incorporated
32 political subdivisions, including counties but not school districts
33 pursuant to R.S.26:8-2.

34 "State Records Committee" means the committee comprised of
35 the State Treasurer, Attorney General, the State Auditor, the
36 Director of the Division of Local Government Services in the
37 Department of Community Affairs, and the Director of the Division
38 of Archives and Records Management in the Department of State as
39 established by section 6 of P.L.1953 c.410 (C.47:3-20).

40

41 2. Current vital records shall be deemed to be confidential or
42 restricted public or government records pursuant to section 2 of
43 P.L.1953, c.410 (C.47:3-16) or section 1 of P.L.1995, c.23
44 (C.47:1A-1.1).

45

46 3. The provisions of section 2 of this act shall not be construed
47 to prohibit the State registrar from:

48 a. supplying a certification or certified copy of a vital record to

- 1 an individual pursuant to R.S.26:8-62; or
- 2 b. furnishing or disclosing vital records to a governmental law
- 3 enforcement agency for use by that agency in the performance of its
- 4 official duties; or
- 5 c. furnishing or disclosing vital records, upon application on a
- 6 form and in a manner prescribed by the State registrar, as follows:
- 7 (1) to a local, state or federal government agency for use by that
- 8 agency in the performance of its official duties; except that the
- 9 agency shall not release to another party any portion of the vital
- 10 records obtained from the State registrar without the latter's written
- 11 consent, unless otherwise required by law;
- 12 (2) a death record to a qualified business entity with a
- 13 demonstrated need to establish the death of an individual in the
- 14 performance of the duties of its business;
- 15 (3) a birth or death record to a person or entity performing
- 16 research that has been approved by the Institutional Review Board
- 17 of the Department of Health and Senior Services, except that the
- 18 approval of the board shall not be transferable to another party and
- 19 shall be valid for a period of one year following its issuance by the
- 20 board;
- 21 (4) certified copies, certifications or release of the data and
- 22 information of vital records to anyone after 100 years have elapsed
- 23 in the case of birth records and 50 years have elapsed in the case of
- 24 marriage records and 40 years have elapsed in the case of death
- 25 records; or
- 26 (5) information or non-certified copies of vital records to any
- 27 person engaged in, connected with, or employed by news media, as
- 28 defined in section 2 of P.L.1977, c.253 (C.2A:84A-21a) for the
- 29 purpose of gathering, procuring, transmitting, compiling, editing, or
- 30 disseminating news.
- 31
- 32 4. a. An application to visually inspect or obtain a vital record
- 33 pursuant to subsection b. of section 3 of this act shall be subject to
- 34 the approval of the State registrar.
- 35 b. Visual inspection of a vital record shall be limited to data
- 36 files compiled in response to the application, or to redacted true
- 37 images of the vital records document on file in the Bureau of Vital
- 38 Statistics and Registration in the Department of Health and Senior
- 39 Services. The Commissioner of Health and Senior Services shall
- 40 determine the data items to be redacted.
- 41 c. The State registrar shall establish an application form that a
- 42 person or entity shall be required to file with the State registrar in
- 43 order to visually inspect or obtain a vital record pursuant to
- 44 subsection b. of section 3 of this act. The application form shall be
- 45 separate and distinct from the form used to obtain a certification or
- 46 certified copy of a vital record pursuant to R.S.26:8-62, and shall
- 47 contain a statement of the penalties to which a person or entity is
- 48 subject for a violation of the provisions of this act.

- 1 d. An applicant shall be required to:
- 2 (1) provide documentation, as prescribed by the State registrar,
- 3 to verify the applicant's identity, including, at a minimum, the
- 4 applicant's name and address, and the purpose for which the
- 5 information being sought is intended; and
- 6 (2) affirm in writing that the applicant will:
- 7 (a) use the information only for the purpose stated by the
- 8 applicant in the application; and
- 9 (b) maintain the information in a secure manner.
- 10 e. An application to visually inspect or obtain a vital record for
- 11 the purposes of research approved by the Institutional Review
- 12 Board of the Department of Health and Senior Services shall
- 13 conform with any requirements as to the process or form for making
- 14 that application established by the Institutional Review Board of the
- 15 Department of Health and Senior Services, and shall be subject to
- 16 approval by the board as well as the State registrar.
- 17 f. The State registrar shall retain an application form approved
- 18 by the State registrar, or an electronic image thereof, for a period of
- 19 seven years from the date of its approval by the State registrar.
- 20 g. The State registrar and the State archives may establish fees
- 21 to cover the reasonable costs of preparing and releasing vital
- 22 records incurred by the State registrar pursuant to this act.
- 23
- 24 5. Vital records of births that are 100 or more years old,
- 25 marriages, civil unions, and domestic partnerships that are 50 or
- 26 more years old, and deaths and fetal deaths that are 40 or more
- 27 years old shall be transferred by the State Registrar to the State
- 28 Archives or by local vital records registrars to local government
- 29 archives designated as depositories by the State Records
- 30 Committee, after a period mutually determined by both the
- 31 transferring and receiving agencies, in accordance with statute and
- 32 regulation.
- 33
- 34 6. A person or entity that uses, transfers, sells, shares or
- 35 otherwise discloses any information from current vital records as
- 36 defined in section 2 of this act in a manner that is not authorized
- 37 under the provisions of this act or any other law other than for
- 38 genealogical, biographical or statistical purposes shall be guilty of a
- 39 crime of the fourth degree and shall thereafter be prohibited from
- 40 making application to obtain any such information pursuant to this
- 41 act.
- 42
- 43 7. The Commissioner of Health and Senior Services shall adopt
- 44 rules and regulations pursuant to the "Administrative Procedure
- 45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
- 46 purposes of this act; except that, notwithstanding any provision of
- 47 P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
- 48 commissioner may adopt, immediately upon filing with the Office

1 of Administrative Law, such regulations as the commissioner deems
2 necessary to implement the provisions of this act, which shall be
3 effective for a period not to exceed six months and may thereafter
4 be amended, adopted or readopted by the commissioner in
5 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
6 et seq.).

7
8 8. This act shall take effect immediately.

9
10
11 STATEMENT

12
13 This bill sets forth statutory guidelines governing applications by
14 researchers, government agencies, financial institutions and other
15 persons or entities to view or obtain vital records maintained by the
16 State registrar of vital statistics.

17 The bill defines “current vital records” as the birth, death, fetal
18 death records of a person less than 100 years old, birth records 100
19 or more years old of a person still living, marriage, civil union and
20 domestic partnership records of persons when less than 50 years
21 have elapsed, or death or fetal death records when less than 40 years
22 have elapsed, from which vital statistics are produced, including all
23 paper records, indices, forms, data, data systems and related
24 documents or information collected or stored in the registration of
25 vital statistics.

26 The bill provides that: current vital records not deemed to be
27 confidential or restricted public or government records. The bill
28 provides that the provisions of the bill are not to be construed to
29 prohibit the State registrar from supplying a certification or certified
30 copy of a vital record to an individual pursuant to N.J.S.A.26:8-62
31 or furnishing or disclosing vital records as follows:

32 (1) to a governmental law enforcement agency for use by that
33 agency in the performance of its official duties;

34 (2) to a local, state or federal government agency for use by that
35 agency in the performance of its official duties;

36 (3) a death record to a qualified business entity with a
37 demonstrated need to establish the death of an individual in the
38 performance of the duties of its business (i.e., a financial institution
39 as stipulated in the bill or another person or entity in the business of
40 lending money or clearing title of real or personal property of a
41 deceased person);

42 (4) a birth or death record to a person or entity performing
43 research that has been approved by the Institutional Review Board
44 (IRB) of the Department of Health and Senior Services; or

45 (5) certified copies, certifications or release of the data and
46 information of vital records to anyone after 100 years have elapsed
47 in the case of birth records and 50 years have elapsed in the case of

1 marriage records and 40 years have elapsed in the case of death
2 records.

3 The provisions of the bill are not to be construed to prohibit the
4 State registrar from supplying information or non-certified copies of
5 vital records to any person engaged in, connected with or employed
6 by news media for the purpose of gathering, procuring,
7 transmitting, compiling, editing, or disseminating news.

8 An application to visually inspect or obtain a vital record
9 pursuant to the bill is subject to the approval of the State registrar.

10 Visual inspection of a vital record is limited to data files
11 compiled in response to the application, or to redacted true images
12 of the vital records document on file in the Bureau of Vital
13 Statistics and Registration in the Department of Health and Senior
14 Services. The Commissioner of Health and Senior Services is to
15 determine the data items to be redacted.

16 The State registrar is to establish an application form that a
17 person or entity will be required to file with the State registrar in
18 order to visually inspect or obtain a vital record pursuant to the bill.
19 The application form is to contain a statement of the penalties to
20 which a person or entity is subject for a violation of the provisions
21 of the bill.

22 An applicant is required to: provide documentation, as prescribed
23 by the State registrar, to verify the applicant's identity; and affirm in
24 writing that the applicant will use the information only for the
25 purpose stated by the applicant in the application and maintain the
26 information in a secure manner.

27 An application by a person or entity performing research to be
28 approved by the IRB of the Department of Health and Senior
29 Services is to conform with any requirements as to the process or
30 form for making that application established by the IRB, and is
31 subject to approval by the IRB as well as the State registrar.

32 The State registrar is to retain an application form approved by
33 the State registrar, or an electronic image thereof, which authorizes
34 a person or entity to visually inspect or obtain a vital record
35 pursuant to the bill, for a period of seven years from the date of its
36 approval by the State registrar.

37 The State registrar and the State archives may establish fees to
38 cover the reasonable costs of preparing and releasing vital records.

39 A person or entity that uses, transfers, sells, shares or otherwise
40 discloses current vital records in a manner that is not authorized
41 under the provisions of the bill or any other law other than for
42 genealogical, biographical or statistical purposes is guilty of a crime
43 of the fourth degree (punishable by imprisonment for up to 18
44 months or a fine of up to \$10,000, or both) and is thereafter
45 prohibited from making application to obtain any such information.